

EXHIBIT 3

Deposition	Plaintiffs' Designation	Defendants' Corresponding Counter Designation	Reason that Defendants' Counter Designation Must be Considered According to Fed.R.Civ.P 32(a)(4)
Alan Bonsell, April 13, 2005	21:13-22:4, 24:21-25:5, 26:18-26:23	17:1-20	Defendants' designation precedes Plaintiffs' designation and is part of the same discussion regarding Bonsell's knowledge of and research into evolution and intelligent design—Plaintiffs seek to admit very short sections of this discussion which would be misleading without Defendants' designation
	21:13-22:4, 24:21-25:5, 26:18-26:23	19:20-23:2	Defendants' designation precedes Plaintiffs' designation and is part of the same discussion regarding Bonsell's knowledge of and research into evolution and intelligent design, including his familiarity with the Discovery Institute—Plaintiffs seek to admit very short sections of this discussion which would be misleading without Defendants' designation
	21:13-22:4, 24:21-25:5, 26:18-26:23	23:14-24:4	Again, Plaintiffs seek to admit very short sections of a discussion about Bonsell's review of certain materials and discussion about when he reviewed them and if he shared his findings with other board members, but seek to exclude Defendants' designations that are part of the same testimony regarding materials deponent reviewed related to intelligent design

In The Matter Of:

*Tammy Kitzmiller, et al. v.
Dover Area School District, et al.*

*Alan Bonsell
April 13, 2005*

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Word Index included with this Min-U-Script®

[1] Q: Sounds like you have done at least a fair amount of
[2] reading on these subjects, and I am interested to know
[3] whether your pursuit of information about these subjects
[4] started only after you became a member of the Board or
[5] whether you were reading on these subjects before you
[6] became a member of the Board.
[7] A: I am interested — I have been interested in science all
[8] my life. I have interests in many, many subjects.
[9] Q: And were you reading articles about Evolution and
[10] Intelligent Design prior to becoming a member of the
[11] Board?
[12] A: I probably have. Evolution, I am sure. Intelligent
[13] Design, somewhere in that area I am sure because I know
[14] it is a newer theory.
[15] Q: I am just curious. What made you start seeking out
[16] information to know subject of Intelligent Design?
[17] A: It had piqued my curiosity because there are other
[18] theories out there, and there are many gaps in Darwin's
[19] Theory. And so it was to see what other scientists have
[20] to say about other ways of looking at the same evidence.
[21] Q: Now you said you have read material on the Internet;
[22] correct?
[23] A: Sure, yes.
[24] Q: Can you remember with any specificity what websites or
[25] articles or authors that you read on the Internet?

[1] A: There again, a lot of the information you will see, it
[2] will be on a page or something like that, or somebody
[3] will send you an e-mail and say I read this, and this
[4] might be of interest to you.
[5] The problem with saying where it came from on the
[6] Internet, there's millions of places they come from. To
[7] be specific, I didn't realize I was going to be asked
[8] that question. Maybe I could have went back and looked.
[9] Just off the top of my head, I don't recall.
[10] Q: Again, I understand that. I am not asking you these
[11] questions to point out some flaw.
[12] A: I know. I know. Okay.
[13] Q: I am a college basketball fan, and I read to find out
[14] who is going early into the NBA draft. I have some
[15] information. I couldn't tell you every place I got that
[16] information from.
[17] If that is your answer to the question I am
[18] asking, that is fine.
[19] A: Okay.
[20] Q: I have to ask the questions.
[21] A: Okay.
[22] Q: So I'm correct that you can't specifically identify the
[23] sources of any particular information you read on the
[24] Internet?
[25] A: Not per se, no.

[1] Q: You said you have seen these two DVD's Icons of
[2] Evolution and Unlocking the Mystery of Life, what were
[3] the circumstances in which you viewed those? How did
[4] they come into your possession?
[5] A: I purchased them.
[6] Q: When did you purchase them?
[7] A: It was — I am trying to think of when that was. I
[8] believe it would have been some months ago, but I am not
[9] exactly sure when.
[10] Q: The resolution was voted on October 18th, 2004; is that
[11] consistent with your memory?
[12] A: Of the change, this piece here?
[13] Q: Yes.
[14] A: Yes.
[15] Q: Was your purchase of these two DVD's before or after
[16] that?
[17] A: It was around the same time, or it could have been
[18] after. I'm not exactly sure. I'm not exactly sure
[19] when.
[20] Q: Do you think you had viewed those — was the first time
[21] you viewed those DVD's after you personally had
[22] purchased them?
[23] A: I think the Unlocking the Mysteries of Life, I am not
[24] sure if I saw that beforehand or not. The Icons was I
[25] think later. But the Unlocking the Mysteries, that was

[1] I believe earlier. But I am not — I'm not sure. It
[2] could have been before. It could have been after. I'm
[3] just not sure.
[4] Q: Was your first viewing of Unlocking the Mystery of a
[5] copy you had purchased or that was made —
[6] A: That is what I am trying to remember, if it was somebody
[7] gave me a copy and then I purchased one, or if somebody
[8] told me about it, and I purchased it. I'm not sure.
[9] MR. GILLEN: Alan —
[10] A: I am trying.
[11] MR. GILLEN: Trying to remember is what you should
[12] do to answer his questions, but it is also true if you
[13] can't remember, you can just tell him that. As he said,
[14] it is not a trick question.
[15] A: I am trying to remember to be as truthful as I possibly
[16] can and try to remember everything I can possibly
[17] remember. When you are asking me questions exactly when
[18] a specific time in reference to a DVD, that is a tough
[19] question.
[20] I just can't — I'm not positive I am just not
[21] sure.
[22] BY MR. ROTHSCILD:
[23] Q: In that DVD Unlocking the Mystery of Life, there are
[24] appearances by a number of individuals such as Michael
[25] Behe; correct?

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[1] A: Yes.
[2] Q: Stephen Meyer, do you remember him?
[3] A: Stephen Meyer, yes.
[4] Q: Scott Minnich?
[5] A: Yes.
[6] Q: Paul Nelson?
[7] A: Name sounds familiar.
[8] Q: Do you have an understanding of whether some or all of
[9] those individuals have an association with the Discovery
[10] Institute?
[11] A: I think some of them do. I don't know whether all of
[12] them do.
[13] Q: Are you familiar with the Discovery Institute?
[14] A: Yes.
[15] Q: How are you familiar with them?
[16] A: Just knowing them, that they are a large group of
[17] scientists that I believe have looked at the scientific
[18] evidence out there and have some other theories of their
[19] own, what they have come up with by looking at the same
[20] evidence that the Darwin scientists have looked at.
[21] Q: Do you associate them with the idea of Intelligent
[22] Design?
[23] A: I believe that probably most of them adhere to that.
[24] Q: Do you have a recollection of when you first became
[25] aware of the Discovery Institute?

[1] probably leading scientists. I don't know if the whole
[2] group is or not.
[3] Q: Are you familiar with any other organizations that are
[4] actively researching or promoting Intelligent Design?
[5] A: Groups?
[6] Q: Yes. Organizations, think tanks, anything like that.
[7] A: Not by name.
[8] Q: We have now talked about these two DVD's. Can you
[9] recall any other DVD's or videos that you have watched
[10] on the subjects of Evolution or Intelligent Design?
[11] With the same instruction, if you can't remember
[12] names —
[13] A: I can't remember.
[14] Q: What about TV programs, can you name any TV programs?
[15] A: Discovery, I remember them having a TV program. I am
[16] pretty sure it was on the Discovery Channel. It was a
[17] whole program on basically the Piltdown man.
[18] Q: Anything else you can think of by way of TV shows?
[19] A: There again, I am sure other shows on that. I mean
[20] sometimes, the National Geographic will have something.
[21] I have seen other — because I am not sure exactly the
[22] channel per se. I am pretty sure this was on the
[23] Discovery Channel.
[24] And some of the National Geographics puts the
[25] specials on. They had another one I believe on the

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[1] A: I believe that would have been last year some time.
[2] Q: Did you become aware of them in connection with the
[3] Board's consideration of the biology curriculum?
[4] A: Yes, it was before the curriculum change.
[5] Q: What I am sort of getting at is you have described a lot
[6] of reading and investigation into the subjects of
[7] Evolution and Intelligent Design, and I am trying to get
[8] a sense of whether you were aware of the Discovery
[9] Institute from your sort of personal reading before this
[10] issue sort of came up before the Board.
[11] A: I think somewhere along the line, it came up in
[12] discussions about this group.
[13] Q: Discussions by the Board?
[14] A: I don't know if it was at a Board meeting or anything
[15] like that. But there were discussions that were
[16] somewhere last year that there's these scientists, this
[17] group the Discovery Institute.
[18] Q: And I think you just said a minute ago they are a group
[19] of scientists that are involved in the issue of
[20] Intelligent Design?
[21] A: I believe so, yes.
[22] Q: Do you have an understanding of whether they are the
[23] leading group of scientists on this subject?
[24] A: If they are the leading group of scientists? I mean
[25] some of the scientists that might be in the group are

[1] Discovery Channel on Evolution and the animals and how
[2] they evolved from bear animals to whales and things like
[3] that. Just a couple of things that stick in my head at
[4] the time right now.
[5] Q: Putting aside television shows and just focusing on
[6] DVD's, videotapes, written materials, have you ever
[7] given things that you have read or reviewed to another
[8] Board member for their consideration on these topics?
[9] A: I think this video, I think I've offered — I'm not
[10] sure. I have given the video to people that were
[11] interested. In the same way they are curious in this
[12] subject and wanted to see it.
[13] I'm trying to think if the Board members — they
[14] probably watched this video, but I am not sure.
[15] Q: You don't know one way or the other?
[16] A: I'm not positive.
[17] Q: When you have talked about giving this video out, did
[18] that occur before or after the resolution was passed?
[19] A: I believe that most of that — well, I believe that has
[20] been since.
[21] Q: Has any Board member given you written materials or
[22] e-mails attaching written material or videotapes or
[23] DVD's for your consideration on the subject? Let's
[24] qualify that before you voted on the October 18th
[25] resolution.

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[1] A: I believe we were given information from the Discovery
[2] Institute. I believe I have looked at their websites
[3] and that type of thing.
[4] Q: That was before the October 18th resolution?
[5] A: Yes. I believe so.
[6] Q: Who gave you those materials?
[7] A: I believe that was Mr. Buckingham.
[8] Q: Do you remember what kind of materials he distributed?
[9] A: Not per se. Probably information about them or from
[10] them, that type of thing.
[11] Q: Written materials?
[12] A: I don't recall exactly if it was written or he discussed
[13] it with me. I remember the Discovery Institute's name
[14] coming up. I remember thinking about — I remember
[15] looking at their website and going in and reading some
[16] of the information.
[17] They have a whole list of scientific information
[18] on there if you want to read about all those subjects.
[19] Q: When Mr. Buckingham gave you information about the
[20] Discovery Institute, did he give you legal information
[21] or other information?
[22] A: Legal information?
[23] Q: Legal information.
[24] A: I don't recall if it was legal or not legal information.
[25] Q: Can you tell me what he did tell you about the Discovery

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[1] Institute or what information he gave you from the
[2] Discovery Institute?
[3] A: I think it was basically Discovery Institute is the
[4] scientists. I am not sure if that is the first time I
[5] heard about it, but I believe it's just information that
[6] was discussed about here's a group of scientists that
[7] have other theories.
[8] Q: So would it be fair to say what he was doing was sort of
[9] calling the fact of their existence to your attention?
[10] A: There again, I am not sure if it was the time first time
[11] I heard of them or not would have been that time. I'm
[12] not sure when.
[13] Q: When he communicated this to you, did he communicate
[14] that to all Board members, or was this in private?
[15] A: You would have to ask him. I'm not sure.
[16] Q: Can you remember the specific interaction?
[17] A: No.
[18] Q: Other than Mr. Buckingham giving you information about
[19] the Discovery Institute, can you remember any other
[20] information that Mr. Buckingham gave you? And I am
[21] talking right now about sort of written information,
[22] tangible things, written information or tapes or DVD's.
[23] A: I just don't recall.
[24] Q: What about any other Board member, did any other Board
[25] member give you any written materials, tapes, DVD's on

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[1] these subjects?
[2] A: I don't believe DVD's. Written material is possible,
[3] but I'm not sure.
[4] Q: If somebody gave you written materials on these
[5] subjects, would you still have them?
[6] A: I have no idea.
[7] Q: When you have gone on the Internet to investigate these
[8] subjects on your own, what kind of search terms do you
[9] use?
[10] A: Search terms? Probably if I am looking for Intelligent
[11] Design, I probably put in Intelligent Design. If it is
[12] Evolution, I put in Evolution.
[13] Specifically off the top of my head, I just —
[14] that is not something I have a precise thing that I
[15] always go in and do the same thing. I don't know.
[16] Q: Have you ever seen a biology textbook published by Bob
[17] Jones University, Biology for Christians?
[18] A: Not that I know of.
[19] Q: When you voted for the resolution and you voted
[20] understanding it would advance the purpose we have
[21] described before, did you base your belief that purpose
[22] was being advanced on anything that anybody told you? I
[23] am now on the subject of sort of verbal communication.
[24] A: Anybody told me or a Board member told me?
[25] Q: Anybody.

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[1] A: What specifically are you asking?
[2] Q: Anybody. You have described that you have done a fair
[3] amount of reading. Some of it, you can recollect. A
[4] lot of it, you can't.
[5] Now I want to move on to — what I am trying to
[6] understand is how you have learned about these subjects.
[7] Now I am moving on to the subject have you talked to
[8] anybody about it in a way that informed your
[9] understanding so that when you voted for the Board
[10] resolution, you felt that the purpose described in the
[11] answer was being advanced?
[12] A: I'm trying to understand. You are asking if anybody
[13] told me something that would have led me to say yes,
[14] this is the right thing to do?
[15] Q: That's right. You could have talked to Michael Behe.
[16] You could have talked to Richard Dawkins.
[17] A: Not per se anybody in particular, no.
[18] Q: Can you remember anybody at all?
[19] A: I don't recall.
[20] Q: Did you ever make any presentations to the Board or any
[21] individual Board members — let me just limit that. Did
[22] you ever make a presentation to the Board to persuade
[23] Board members to vote for the resolution? Did you ever
[24] get up and talk to the Board about why they should vote
[25] for the resolution?